

**REMARKS**

In the Office Action, claims 1 - 17 were noted as pending in the application, and all claims were rejected. By this amendment, claims 1, 2, 6, 9, 11, 12, 14, and 16 have been amended and no claims have been canceled or added. Thus, claims 1 - 17 are pending in the application. The rejections of the Office Action are traversed below.

**Objection to the Title**

In item 2, on page 2 of the Office Action, the title has been objected to as not being descriptive. The Applicants respectfully disagree and note that the rules require that the title of the application should be as short and specific as possible. MPEP §606. The Applicants respectfully submit that the present title is appropriately short and clearly identifies the subject of the invention, namely a system and method for monitoring browser event activity. The rules do not require the title to specify the functionality of the invention, as suggested in the present Office Action. Withdrawal of the objection to the title is respectfully requested.

**Objection to the Specification**

In item 3, on page 2 of the Office Action, the specification is objected to under MPEP §608.01 for having a hyperlink or browser executable code in the specification. The offending script in the specification has been amended herein without adding any new subject matter, and withdrawal of the objection to the specification is respectfully requested.

**Rejection of Claims 9 and 10 under 35 USC §112**

In item 5, on page 2 of the Office Action, claims 9 and 10 were rejected under 35 USC §112, second paragraph, as being indefinite. Independent claim 9 has been amended herein to more clearly recite that the “location information” is directed toward the location of a “function for monitoring events on a network computer” and that the phrase “other than the web server” is directed toward the server 130 where the monitoring function is located. Support for the amendment can be found at least in paragraph 21 of the original specification and also in paragraph 21 as amended herein. The Applicants thank the Examiner for clearly pointing out the ambiguity in the claim language and respectfully request the rejection of claims 9 and 10 be withdrawn in view of the present amendment.

**Rejection of Claims 1 - 17 under 35 USC §102**

In items 8 - 18, on pages 3 - 4 of the Office Action, claims 1 - 17 were rejected under 35 USC §102 as being anticipated by U.S. Patent 6,112,240 to Pogue et al. This rejection is respectfully traversed.

**The Pogue et al. Patent**

Pogue et al. discloses a method and apparatus for obtaining client information relating to usage of World Wide Web pages (Pogue et al. at abstract; Col. 2, lines 13 - 17; Col. 4, lines 1 - 6). The instructions for retrieving information regarding client access of web pages are inserted in targeted web pages (Col. 4, lines 16 - 29). When any of the targeted web pages are accessed over a network by the client computer, an applet invoked by the inserted instructions captures and sends information to a tracking computer for storage in a client database, wherein the captured information includes such information as the time of access of the web page, the type of browser being used on the client computer, and the type of client computer (Col. 4, lines 30 - 42; Col. 5, lines 60 - 67).

**The Claimed Invention is Patentably Distinguishable Over Pogue et al.**

The Applicants' claimed invention is directed to a system and method for monitoring browser event activities. In particular, and reciting independent claim 1, there is disclosed and claimed a system for monitoring events on a network computer, including:

a processor for downloading a web page from a web server to a client browser within a network, wherein the web page includes a script tag identifying a location of a monitoring function, and for retrieving the monitoring function based on information in the script tag to monitor an event on the client browser; and

an I/O device for sending monitored data to a measurement computer, wherein the measurement computer is a computer other than the web server, and

wherein the monitored data includes a start time of the client browser navigating to a new web page across the network, and wherein the processor calculates elapsed time from the start time to a current browser system time, for determining an elapsed time for navigating to the new web page.

The system recited in claim 1 includes the monitoring and processing features of determining the time that the client browser begins navigating to a new web page across the network and calculating the elapsed time while the browser is attempting to complete navigation to the web page. No such feature is disclosed in Pogue et al. The reason for the lack of such a feature in Pogue et al. is that Pogue et al. is not concerned with the performance of a browser but instead is focused on tracking client usage of specific Internet web sites, where a tracking program logs successful web page access information in a client information database on the tracking computer (Pogue et al. at Col. 1, lines 54 - 58; Col. 2, lines 7 - 9; Col. 4, lines 38 - 42; Fig. 4). The access information includes the client browser type and version, the type of client computer, and the operating system used by the client computer (Col. 4, lines 12 - 15). No calculation of elapsed navigation time from the start of the browser navigation to a new web page is performed by the tracking program of Pogue et al. In fact, the Pogue et al. tracker program is not invoked until after the web page is successfully accessed by and displayed on the client computer (Col. 2, lines 43 - 46; Col. 4, lines 16 - 19; Col. 7, lines 31 - 35). The reasons for the differences between the present claimed system and the information-gathering system of Pogue et al. is that the present claimed system is directed to monitoring the performance of the navigation of the browser to web pages, while the system of Pogue et al. is focused on recording who has actually accessed particular web pages, when they have accessed the web pages, and how many times they have accessed the web pages (Col. 5, lines 60 - 67; Col. 7, lines 7 - 10).

It is respectfully submitted that Pogue et al. fails to disclose each of the features recited in claim 1; and, therefore, Pogue et al. cannot reasonably be said to anticipate Applicants' claimed invention. Accordingly, claim 1 is believed to be patentably distinguishable over the Pogue et al. document, and it is respectfully requested that the rejection of claim 1 be withdrawn.

Claims 2 - 8 depend from claim 1 and include all the features of claim 1 plus additional features. Therefore, for at least the reasons set forth above with respect to claim 1, it is submitted that claims 2 - 8 patentably distinguish over the Pogue et al. document, and withdrawal of the rejection of claims 2 - 8 is respectfully requested.

Independent claim 9 is directed to a method for invoking a monitoring function on a network computer, and this claim recites the features of:

accessing a web page from a web server,  
updating the web page by inserting a script tag in the web page, wherein said script tag includes location information for a function for monitoring events on a network computer, wherein the location of the function is on a server other than the web server; and  
storing the updated web page on the web server,  
wherein the function can monitor the start time of a page navigation event and the elapsed time from the start time, for determining an elapsed time for navigating to a new web page.

Among other features, claim 9 also recites the feature of monitoring the start time of a page navigation event and the elapsed time from the start time, for determining an elapsed time for navigating to a new web page. As discussed above regarding claim 1, Pogue et al. does not disclose monitoring the elapsed time from the start time, for determining an elapsed navigation time or for any other purpose. Instead, the tracking computer of Pogue et al. begins its recording of events only after navigation to a new web page has successfully completed and the new web page is displayed on the client computer (Pogue et al. at Col. 2, lines 43 - 46; Col. 4, lines 16 - 19; Col. 7, lines 31 - 35).

Since Pogue et al. fails to disclose each and every feature recited in claim 9, it is respectfully submitted that Pogue et al. cannot reasonably be said to anticipate Applicants' claimed invention. For the reasons discussed above, claim 9 is believed to be patentably distinguishable over the Pogue et al. Accordingly, it is respectfully requested that the rejection of claim 9 be withdrawn.

Claim 10 depends from claim 9 and includes all the features of that claim plus additional features. Therefore, for at least the reasons set forth above with respect to claim 9, it is submitted that claim 10 patentably distinguishes over the Pogue et al. document, and withdrawal of the rejection of claim 10 is respectfully requested.

Independent claim 11 is directed to a method for monitoring events on a network computer, wherein the claimed method includes the features of:

downloading a web page from a web server to a client browser within a network,  
wherein the web page includes a script tag identifying a location of a monitoring function;  
retrieving the monitoring function based on information in the script tag;

invoking the monitoring function to monitor an event on the client browser; and sending monitored data to a measurement computer, wherein the measurement computer is a computer other than the web server, and

wherein the monitored data includes a start time of the client browser navigating to a new web page across the network, and wherein the processor calculates elapsed time from the start time to a current browser time, for determining an elapsed time for navigating to the new web page.

Among other features, claim 11 also recites that the monitored data includes a start time of the client browser navigating to a new web page and that the processor calculates the elapsed time from the start time to a current browser time for determining the elapsed time for navigating to the new web page. As discussed above regarding claim 1, Pogue et al. does not disclose calculating the elapsed time from the start time to the current browser time for determining an elapsed navigation time. Instead, the tracking computer of Pogue et al. begins its recording of events only after navigation to a new web page has successfully completed and the new web page is displayed on the client computer and records the times the web pages are successfully accessed and the length of time the web pages are displayed on a client computer (Pogue et al. at Col. 2, lines 43 - 46; Col. 4, lines 16 - 19; Col. 7, lines 31 - 42).

It is respectfully submitted that Pogue et al. fails to disclose each of the features recited in claim 11; and, therefore, Pogue et al. cannot reasonably be said to anticipate Applicants' claimed invention. Accordingly, claim 11 is believed to be patentably distinguishable over the Pogue et al. document, and it is respectfully requested that the rejection of claim 11 be withdrawn.


Claims 12 - 17 depend from claim 11 and include all the features of claim 11 plus additional features. Therefore, for at least the reasons set forth above with respect to claim 11, it is submitted that claims 12 - 17 patentably distinguish over the Pogue et al. document, and withdrawal of the rejection of claims 12 - 17 is respectfully requested.

**Summary**

It is submitted that the Pogue et al. document fails to teach all the features of the claimed invention. Thus, claims 1 - 17 are deemed to be in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited. If any fees are required in connection with this Amendment, please charge the same to our Deposit Account No. 08-2025.

Respectfully submitted,

Burns, Doane, Swecker & Mathis, L.L.P.

By:   
William N. Hugnet  
Reg. No. 44,481

P.O. Box 1404  
Alexandria, Virginia 22314-0404  
Telephone: (703) 836-6620  
Facsimile: (703) 836-2021

Date: December 13, 2004

VA 615272.1